

of the Revised Statutes of the State of Texas of 1895, relating to the formation of independent school districts, and prohibiting towns within such districts from assuming control of the schools therein while the independent district exists."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

BEALL, Acting Chairman.

Committee Room,
Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 240, a bill to be entitled "An act to amend an act entitled 'An act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1895, which may have been returned delinquent or reported sold to the State, or to any county, city or town to satisfy the lien thereon; as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act."

And find the same correctly engrossed.

GOUGH, Chairman.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 10, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following resolution:

Whereas, the Hon. Norman G. Kittrell has been invited and kindly consented to address the House of Representatives on the subject of the "South's Battle Abbey;" and

Whereas, Saturday evening next at 8 o'clock has been set apart for that purpose; therefore be it

Resolved, that a most cordial invitation to be present is hereby extended to the Senate, to the Governor and

State officials, and to all others interested in a cause so dear to the Southern heart.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Atlee, the Senate adjourned to 10 a. m. to-morrow.

FORTY-FIFTH DAY.

Senate Chamber,

Austin, Tex., Thursday, Mar. 11.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Absent.

Boren. Stafford.

Neal.

Excused.

Morriss.

Prayer by Rev. Jackson, Chaplain of the House of Representatives.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Dibrell, the Chaplain was excused for non-attendance upon the Senate for yesterday and to-day, on account of sickness.

BILLS AND RESOLUTIONS.

By Senator Bowser (by request):

Senate bill No. 281, a bill to be entitled "An act to authorize towns and villages incorporated under the provisions of chapter 11, title 18, of the Revised Civil Statutes, to condemn the right of way over and across the road bed and right of way of any railway company, within the limits of such town or village, when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such

towns or villages; to define the duties of railway companies when their road beds and rights of way are condemned for street purposes by such towns or villages, and to prescribe a penalty for violations thereof."

Read first time and referred to Committee on Internal Improvements.

By Senator Woods:

Senate bill No. 282, a bill to be entitled "An act to amend chapter 1, title 67, of the Revised Civil Statutes of the State of Texas, by adding article 3343a, in regard to limitation."

Read first time and referred to Judiciary Committee No. 1.

By Senator Woods:

Senate bill No. 283, a bill to be entitled "An act to amend article 1194 of section 14, chapter 4, of the Revised Statutes of Texas, as to the venue of suits; to require specific performance of contracts for the sale of real property, and for damages for the breach of such contracts."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bowser:

Resolved, that the secretary of the Senate be permitted to temporarily remove the portrait of ex-President Jefferson Davis from the Senate Chamber to the Hall of the House of Representatives, to be hung on the walls thereof on next Saturday night during the address by Hon. Norman G. Kittrell of Houston, the subject of said address being the "South's Battle Abbey," or Confederate Memorial Hall.

Adopted.

Call concluded.

The Chair gave notice of signing, and did sign after their captions had been read,

House bill No. 513, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the County Court of Marion county in this State, and conform the jurisdiction of the District Court of said county to such change."

House bill No. 83, "An act to create a more efficient road system for Rains county, Texas, making provision for the appointment by the commissioners court of said county of a road commissioner for said county, prescribing his duties and compensation; providing for the appointment of road overseers, defining their duties and liabilities; providing for working of county convicts and delinquent poll tax payers upon the public roads of said county, and regulating the same; providing for officers' fees and rewards in convicting convicts and recapturing es-

caped convicts; for the summoning of teams and tools for road work, and compensation for same; and providing penalties for the violation of this act, and repeal all laws in conflict with this act; and providing for county commissioners to act as road commissioners."

Senate bill No. 52, a bill to be entitled "An act to require every express company to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas."

HOUSE MESSAGES.

The following House messages were received:

House of Representatives,
Austin, Texas, March 11, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 438, a bill to be entitled "An act to prescribe the time of holding the term of the district court in the Twenty-fifth Judicial District of Texas."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

Hall House of Representatives,
Austin, Texas, March 11, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 309, a bill to be entitled "An act to provide for the purchase of public lands in quantities of twenty acres or less, situated on islands, by actual settlers, who have settled on and placed valuable improvements thereon in good faith, or to their vendees, prior to the 1st day of January, 1895, and prescribing the price, terms, manner and time of such purchase."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bills were read first time and referred as follows:

House bill No. 309, to Committee on Public Lands.

House bill No. 438, to Judiciary Committee No. 1.

The following privileged report was submitted:

Committee Room,
Austin, Texas, March 10, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 52, a bill to be entitled "An act to require every express company to keep a general office in this State and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas,"

And find the same correctly enrolled, and have this day, at 11:20 a. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Senator Kerr called up the following House resolution:

Whereas, the Hon. Norman G. Kittrell has been invited and kindly consented to address the House of Representatives on the subject of the "South's Battle Abbey;" and

Whereas, Saturday evening next at 8 o'clock has been set apart for that purpose; therefore be it

Resolved, that a most cordial invitation to be present is hereby extended to the Senate, to the Governor and State officials, and to all others interested in a cause so dear to the Southern heart.

On motion of Senator Kerr, the invitation was accepted.

On motion of Senator Yett, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 231, a bill to be entitled "An act to amend chapter 2, title XXXII, of the Revised Civil Statutes of the State of Texas, by adding thereto an additional article, to be entitled article 1547d, relative to the keeping of bridges in repair."

Bill read second time.

By Senator Lewis:

Amend by adding after the word "town," in line 17, the following: "Provided, that this act shall not be held to affect or diminish the liability of town and city corporations for injuries caused by the defective condition of such bridges situated within the city limits."

Adopted by the following vote:

Yeas—12.

Atlee. Dibrell.
Darwin. Gough.

Greer.
Harrison.
Kerr.
Lewis.

Stone.
Turney.
Woods.
Yett.

Nays—9.

Bailey.
Bowser.
Burns.
Colquitt.
Linn of Victoria.

Linn of Wharton.
Presler.
Rogers.
Ross.

Absent.

Beall.
Boren.
Goss.
Neal.
Stafford.

Terrell.
Tillett.
Wayland.
Yantis.

Excused.

Morriss.

Bill ordered engrossed.

On motion of Senator Gough, Senators Yantis, Terrell, Beall and Linn of Wharton were excused from attendance upon the morning session of the Senate, on account of committee business.

The Chair laid before the Senate,

House bill No. 107, a bill to be entitled "An act to define cold storage in local option counties, precincts, cities, towns or subdivisions, and affix penalties for keeping same."

On motion of Senator Ross, the bill was laid on the table subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 396, a bill to be entitled "An act to amend article 616a of the Revised Statutes of the State of Texas of 1895, relating to the formation of independent school districts, and prohibiting towns within such districts from assuming control of the schools therein while the independent district exists."

Bill read second time, and passed to third reading.

On motion of Senator Presler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—26.

Atlee.
Beall.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Goss.
Gough.
Greer.
Harrison.

Kerr.
Lewis.
Linn of Victoria.
Linn of Wharton.
Presler.
Rogers.
Ross.
Stone.
Terrell.
Tillett.
Turney.

Wayland. Yantis.
Woods. Yett.

Nays—none.

Absent.

Bailey. Neal.
Boren. Stafford.

Excused.

Morriss.

Bill read third time.

By Senator Presler:

Amend by adding after the word "to," at the end of the first paragraph of article 616, as follows: "And provided further, that school incorporations hereafter formed under the provisions of this act shall have all the right to levy and collect taxes and issue bonds for school purposes, the same as school incorporations heretofore formed."

Pending action,

On motion of Senator Dibrell, further action as postponed until Wednesday, March 17, after call.

The Chair called up the motion (Beall's) as substituted by Senator Goss, to the effect that the Senate do concur in the House amendment to

Senate bill No. 36, a bill entitled "An act to amend article 723 of the Code of Criminal Procedure of the State of Texas, relating to the reversal of cases by the Court of Criminal Appeals."

The motion as substituted prevailed.

The Chair laid before the Senate,

House bill No. 7, a bill to be entitled "An act to prevent the payment of any deficiency that may arise in any department of State government or institution of this State unless an estimate out, sworn to and presented to made out, sworn to and presented to and approved by the Governor, and filed with the Comptroller at least 30 days before such deficiency occurs."

Bill read second time, and passed to third reading.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Bailey. Kerr.
Beall. Rogers.
Bowser. Ross.
Burns. Stone.
Colquitt. Tillett.
Darwin. Turney.
Dibrell. Wayland.
Gough. Woods.
Greer. Yantis.
Harrison. Yett.

Nays—2.

Linn of Victoria. Linn of Wharton.
Absent.

Atlee. Neal.
Boren. Presler.
Goss. Stafford.
Lewis.

Excused.

Morriss. Terrell.

Bill read third time, and passed by the following vote:

Yeas—20.

Bailey. Kerr.
Beall. Linn of Wharton.
Bowser. Rogers.
Burns. Ross.
Colquitt. Tillett.
Darwin. Turney.
Dibrell. Wayland.
Gough. Woods.
Greer. Yantis.
Harrison. Yett.

Nays—1.

Linn of Victoria.

Absent.

Atlee. Neal.
Boren. Presler.
Goss. Stafford.
Lewis. Stone.

Excused.

Morriss. Terrell.

By consent, Senator Bowser sent up the following resolution:

Resolved, that the salary of \$50 per month heretofore allowed Miss H. Davis, special stenographic committee clerk, be increased to \$75 per month from and after March 9, 1897.

The roll call showing no quorum,

Senator Colquitt moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee. Lewis.
Bailey. Linn of Victoria.
Bowser. Presler.
Burns. Rogers.
Colquitt. Ross.
Darwin. Stone.
Dibrell. Terrell.
Gough. Turney.
Greer. Wayland.
Harrison. Woods.
Kerr. Yett.

Absent.

Boren. Stafford.
Goss. Tillett.

Excused.

Beall. Neal.
Linn of Wharton. Yantis.
Morriss.

The question being on the adoption of Senator Bowser's resolution,

By Senator Burns:

Strike out \$75 and insert \$150.

By Senator Turney:

Amend the amendment by adding the following: "And the President of the Senate shall discharge two of the committee clerks now employed."

Senator Burns made the point of order that the amendment was not in order for the reason that it was not germane.

Sustained.

(Senator Gough in the chair.)

The amendment (Burns') was adopted.

Senator Lewis moved to reconsider the vote by which the amendment was adopted.

Lost by the following vote:

Yeas—11.

Beall.	Terrell.
Darwin.	Turney.
Harrison.	Wayland.
Lewis.	Woods.
Presler.	Yett.
Rogers.	

Nays 12.

Atlee.	Gough.
Bailey.	Greer.
Bowser.	Kerr.
Burns.	Linn of Victoria.
Colquitt.	Ross.
Dibrell.	Stone.

Absent.

Boren.	Stafford.
Goss.	Tillett.
Neal.	

Excused.

Linn of Wharton. Yantis.
Morriss.

The resolution as amended was then adopted by the following vote:

Yeas—13.

Atlee.	Greer.
Bailey.	Kerr.
Bowser.	Linn of Victoria.
Burns.	Presler.
Colquitt.	Ross.
Dibrell.	Stone.
Gough.	

Nays—11.

Beall.	Tillett.
Darwin.	Turney.
Harrison.	Wayland.
Lewis.	Woods.
Rogers.	Yett.
Terrell.	

Absent.

Boren.	Neal.
Goss.	Stafford.

Excused.

Linn of Wharton. Yantis.
Morriss.

Senator Atlee moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table.

Tabled by the following vote:

Yeas—17.

Atlee.	Kerr.
Bailey.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Dibrell.	Stone.
Goss.	Wayland.
Gough.	Yantis.
Greer.	

Nays—10.

Beall.	Terrell.
Darwin.	Tillett.
Harrison.	Turney.
Lewis.	Woods.
Rogers.	Yett.

Absent.

Boren.	Stafford.
Neal.	

Excused.

Morriss.

Senator Colquitt moved that the call of the Senate be suspended.

Suspended.

The Chair laid before the Senate,

House bill No. 213, a bill to be entitled "An act to restore and confer upon the county court of Hardin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Bill read second time.

By Senator Greer:

Amend by adding after the word "act," section 11, page 3, line 27, "in so far as they relate to Hardin county, Texas."

Adopted.

By Senator Greer:

Amend by adding the following:

"Sec. 12. The crowded condition of the docket of the district court of Hardin county creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is so suspended, and it is so enacted."

Adopted.

Bill as amended passed to third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—none.

Absent.

Atlee.	Neal.
Bailey.	Stafford.
Boren.	Stone.

Excused.

Morriss.

Bill read third time, and passed by the following vote:

Yeas—26.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—none.

Absent.

Bailey.	Neal.
Boren.	Stafford.

Excused.

Morriss.

At the direction of the Chair, the following invitation was read:

Headquarters John B. Hood Camp, No. 103, U. C. V., Austin, Texas, March 11, 1897.

To the Senate and House of Representatives, Twenty-fifth Legislature of Texas.

Gentlemen: All members, officers and employes of your honorable bodies who served in either the Confed-

erate States Army or Navy during the trying times of 1861-65, are hereby most cordially and fraternally invited to unite with John B. Hood Camp, No. 103, United Confederate Veterans, and attend in a body the address to be delivered in Representative Hall by Hon. Norman G. Kittrell, Saturday evening, March 13, at 8 o'clock. All comrades will please assemble at the county court house at 7:30 p. m., and march thence to the State Capitol and to reserved seats in Representative Hall.

Fraternally,

JOE. G. BOOTH,

Commander John B. Hood Camp.

A. F. ROBBINS, Adjutant.

On motion of Senator Yantis, the Senate took a recess to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Ross.
Bowser.	Stafford.
Burns.	Terrell.
Dibrell.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Lewis.	Yett.
Rogers.	

Absent.

Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Boren.	Neal.
Colquitt.	Presler.
Darwin.	Stone.
Goss.	Tillett.
Gough.	Yantis.
Kerr.	

Excused.

Morriss.

Senator Greer moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Lewis.	Yett.

Absent.

Boren. Linn of Wharton.
Goss. Neal.
Kerr. Yantis.

Excused.

Morriss.

Quorum announced.

On motion of Senator Bowser, the regular order of business was suspended to take up, on second reading,

Senate bill No. 197, a bill to be entitled "An act to incorporate the city of Dallas and grant it a new charter."

Bill read second time.

By Senator Bowser:

Amend by striking out, in line 13, page 38, after the word "than" the word "sixty," and insert in lieu thereof the words "one hundred and twenty."

Adopted.

By Senator Bowser:

Amend by inserting in line 15, page 38, section 141, after the words "per diem," the following: "Five dollars per day for the first sixty days, and two dollars per day thereafter."

Adopted.

By Senator Bowser:

Amend by striking out in line 23, page 38, the word "impartially," and insert the following: "They shall receive for their services such compensation as the city council may direct."

Adopted.

By Senator Bowser:

Amend by inserting in line 23, page 13, section 32, after the word "services," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by inserting in line 14, page 14, section 34, after the word "services," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by inserting in line 27, page 14, section 35, after the word "services," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by inserting in line 13, page 15, section 36, after the word "services," the following: "A sum not to exceed."

Adopted.

20—Senate

By Senator Bowser:

Amend by inserting in line 8, page 16, section 38, after the word "services," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by inserting in line 22, page 16, section 39, after the word "service," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by inserting in line 6, page 14 after the word "services," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by inserting in line 28, page 17, after the word "services," the following: "A sum not to exceed."

Adopted.

By Senator Bowser:

Amend by striking out the word "of," in line 32, page 5, and insert in lieu thereof the words "a sum not to exceed."

Adopted.

By Senator Bowser:

Amend by striking out in line 23, section 11, page 7, the word "thirty," and insert in lieu therefor "fifteen."

Adopted.

By Senator Bowser:

Amend section 9, page 7, line 2, by striking out the words "a city judge."

Adopted.

By Senator Bowser:

Strike out all of section 192, and change numbers of the following sections to correspond.

Adopted.

By Senator Bowser:

Amend by striking out in line 32, page 17, section 41, all after the word "otherwise," and inserting in lieu thereof the following: "The health officer shall receive for his services a sum not to exceed fifteen hundred dollars. The secretary of the waterworks shall receive for his services a sum not to exceed nine hundred dollars. The chief of the fire department shall receive for his services a sum not to exceed twelve hundred dollars, and each of said officers shall give bond as the city council may prescribe."

Adopted.

By Senator Dibrell:

Amend by substituting "90" for "30," in line 5 of section 172, page 54.

Adopted.

By Senator Lewis:

Amend by striking out sections 170 and 171.

Adopted.

The bill as amended was ordered engrossed by the following vote:

Yeas—15.

Atlee.	Presler.
Bailey.	Rogers.
Bowser.	Ross.
Dibrell.	Stone.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yett.
Linn of Victoria.	

Nays—7.

Beall.	Lewis.
Burns.	Terrell.
Colquitt.	Turney.
Darwin.	

Absent.

Goss.	Stafford.
Kerr.	Tillett.
Linn of Wharton.	Yantis.
Neal.	

Excused.

Boren.	Morriss.
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On motion of Senator Bowser, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Ross.
Darwin.	Stone.
Dibrell.	Turney.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yett.

Nays—2.

Burns.	Terrell.
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Absent.

Goss.	Stafford.
Kerr.	Tillett.
Linn of Wharton.	Yantis.
Neal.	

Excused.

Boren.	Morriss.
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Bill read third time, and passed by the following vote:

Yeas—14.

Atlee.	Linn of Victoria.
Bailey.	Presler.
Bowser.	Ross.
Dibrell.	Stone.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yett.

Nays—7.

Beall.	Lewis.
Burns.	Terrell.
Colquitt.	Turney.
Darwin.	

Absent.

Goss.	Rogers.
Kerr.	Stafford.
Linn of Wharton.	Tillett.
Neal.	Yantis.

Excused.

Boren.	Morriss.
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Mr. President: I vote "yea" on Senate bill No. 197, amending the city charter of Dallas, but I do so without believing the notice given sufficient. It affects Dallas alone, and its Representatives wish the bill passed; and besides, the proposed amendments have been thoroughly discussed and understood. No advantage has been taken of the people of Dallas.

DIBRELL.

I vote "no" on the engrossment and passage of this bill ("Dallas City Charter"), because I do not believe the notice given was such as required by the Constitution, which requires the substance of a special law to be printed in the notice asking for the passage of same.

COLQUITT.

Mr. President: I find the following notice attached to and made a part of Senate bill No. 197, the same being a bill to be entitled "An act to incorporate the city of Dallas and grant it a new charter.

The notice attached to said bill being in the words following, to-wit:

"The State of Texas, County of Dallas. — Before me, the undersigned authority, on this day personally appeared G. B. Dealey, business manager Dallas Morning News, who, after being by me duly sworn, on oath says that the following notice, in words and figures as follows:

"NOTICE OF SPECIAL LAW.

"To whom it may concern: Notice is hereby given that at the approaching session of the Legislature, to convene at Austin, Texas, on the second Tuesday in January, 1897, the city of Dallas will make application to said Legislature for a new special charter for said city. Said charter to be a special act of said Legislature, and to grant to said city all the rights it now has and such additional powers as the Legislature may deem just and proper.

"By order of the city council.

"Witness my hand and the official

seal of said city this the 12th day of December, 1896.

R. T. ADAMS,
"Acting Mayor.

"Attest:

"T. L. Lawhon, City Secretary.

"Has been published every day in the Dallas Morning News, a daily newspaper published in the city of Dallas, State of Texas, for more than thirty days prior to this date; that the same has been so published in said newspaper every day from the 13th day of December, 1896, until and including the 11th day of January, 1897. That the same was published by the city of Dallas by order of the city council.

"G. B. DEALEY.

"Sworn to and subscribed before me this 16th day of January, 1897.

(Seal.) "M. C. KALM,
"Notary Public in and for Dallas County, Texas."

Believing that the above and foregoing notice is not a substantial compliance with the provisions of the Constitution of the State of Texas, in this: that article 3, section 57, of said Constitution is as follows:

"No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed."

Being of the opinion, Mr. President, that "the substance of the contemplated law" is not stated in such publication, as required by the above article and section of the Constitution, and feeling that I owe a duty to my State, my constituents and myself, I vote against the final passage of Senate bill No. 197, and desire to be so recorded. Senatorial courtesy to the Senator from Dallas warmly urges me to support the passage of the bill, but the line of duty, as I see it, forbids the yielding of fixed opinion, and while personally regretting the situation, I unhesitatingly vote "no." BURNS.

COMMITTEE REPORTS.

The following committee reports were submitted:

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 211, a bill to be entitled "An act to amend article 958 (805) of title XVIII, chapter 1, of the Penal Code of the State of Texas, relative to conspiracy to commit murder, rape, etc."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 199, a bill to be entitled "An act to repeal article 491, chapter 2, title 13, of the Penal Code of the State of Texas of 1895, relating to offenses pertaining to public roads and irrigation."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, March 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 246, a bill to be entitled "An act to validate the incorporations of cities or towns of 1000 inhabitants or over, incorporated since March 30, 1895, which have heretofore attempted to be made under certain conditions,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, March 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 162, a bill to be entitled "An act granting permission to M. T. and M. C. Chapman, or their assigns, to bring suit against the State of Texas in the district court of Kaufman county, to ascertain the amount, if any, the State is indebted to said M.

T. and M. C. Chapman, or their assigns, on account of the sinking of an artesian well for the State at the North Texas Insane Asylum, at Terrell, Texas."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, March 11, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 109, a bill to be entitled "An act relating to the presence of minors in court rooms."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 212, a bill to be entitled "An act to provide a penalty for the failure or refusal of any president, vice president, cashier of a national bank to furnish the tax assessor or the deputy tax assessor a correct statement of the assets and liabilities of the national bank of which such person is president, vice president or cashier."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, March 11, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 36, a bill to be entitled "An act to amend article 723 of the Code of Criminal Procedure of the State of Texas, relating to the reversal of cases by the Court of Criminal Appeals,"

And find the same correctly enrolled, and have this day, at 4:20 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

HOUSE MESSAGE.

The following message from the House was received:

House of Representatives,
Austin, Texas, March 11, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 94, a bill to be entitled "An act to amend article 1036, chapter 20, title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the Courts of Civil Appeals."

Senate bill No. 15, a bill to be entitled "An act to amend article 2601, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon."

Senate bill No. 16, a bill to be entitled "An act to amend article 1942 of chapter 8, title 39, of the Revised Statutes of the State of Texas of 1895."

Senate bill No. 2, a bill to be entitled "An act to amend articles 5139 and 5152 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, relating to the assessment and collection of taxes on lands in unorganized counties belonging to non-residents."

With amendments.

Senate bill No. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Stone, the regular order of business was suspended to take up, upon its third reading,

Senate bill No. 111, a bill to be entitled "An act to regulate the sale of cocaine or morphine, and of opium and preparations of opium containing ten per cent or more of the crude drug, and providing a penalty for the violation of this act."

Bill read third time and passed.

On motion of Senator Lewis, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 20, a bill to be entitled "An act to require city and county treasurers to report condition of interest and sinking funds to the State Comptroller; to prohibit them from diverting said funds, and providing penalties,"

Action being on engrossment.

By Senator Lewis:

Amend by striking out the word "received," in lines 6 and 14, of section 3, page 2, and insert in lieu thereof the word "recovered."

Adopted.

(Senator Terrell in the chair.)

By Senator Lewis:

Amend page 2, section 3, line 15, by striking out the words "county treasurer," and insert in lieu thereof the words "county or city treasurer, as the case may be."

Adopted.

By Senator Lewis:

Amend by striking out the words "or attorney general," in line 10 of page 2, and insert the words "attorney general or" after the words "notify the," in line 10 of page 2.

Adopted.

By Senator Lewis:

Amend by adding section 4 to the bill as follows: "The near approach of the close of the present session of the Legislature and the fact that many counties and cities in the State have diverted their interest and sinking fund, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended.

Adopted.

On motion of Senator Lewis, the constitution rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Presler.
Beall.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Turney.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yett.
Lewis.	

Nays—none.

Absent.

Bowser.	Neal.
Goss.	Stafford.
Kerr.	Tillett.
Linn of Wharton.	Yantis.

Excused.

Boren.	Morriss.
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Bill read third time and passed.

On motion of Senator Harrison, the call of the Senate was suspended.

On motion of Senator Colquitt, the regular order of business was suspended, to take up on its second reading.

Substitute Senate bill No. 163, entitled "An act to amend articles 3984, 3985 and 4028 of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986 and 3987, and all laws in conflict with this act."

Bill read second time with committee substitute.

Committee substitute adopted.

By Senator Greer:

Amend by inserting after the word "schools," line 16, page 1, the following: "Provided, that the foregoing provisions of this article shall not apply to any counties of this State, or any portion thereof operating under the community system, nor to any districts that have not levied a local tax."

By Senator Dibrell:

Amend the amendment by adding thereto the following: "In so far as the erection and repair of school houses is concerned."

Senator Greer accepted the amendment to his amendment.

The amendment as amended was adopted.

By Senator Beall:

Amend by adding:

"Section 4. The fact that there is now no fund which can be applied to the payment of the incidental expenses of the public school, and to providing suitable appliances therefor, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted."

Adopted.

By Senator Atlee:

Amend by adding after the word "schools," in line 28, page 1, the following: "Provided, that in counties, districts, cities or towns, which do not levy a local tax, in which the apportionment of the available school fund is sufficient to maintain the schools for at least six months, without consuming the entire amount apportioned, the surplus, or so much as may be necessary, may be used for any of the foregoing purposes."

Adopted.

Bill as amended ordered engrossed.

Senator Dibrell called up (which was pending yesterday on adjournment)

Senate bill No. 73, a bill to be entitled "An act to provide for prelimin-

ary hearings in trials of trespass to try title to real estate; for a more speedy settlement of land titles in this State; and to repeal all laws and parts of laws in conflict with the provisions of this act."

Action being on the following amendment:

By Senator Greer:

Amend by striking out "ten," line 18, and insert "fifteen."

Senator Greer withdrew his amendment.

By Senator Dibrell:

Amend by inserting in line 14, section 1, after the word "holds," the following: "Claiming the same or a part thereof under the same written instrument, or by virtue of a written memorandum of title, conveying or purporting to convey the land or a part thereof."

Adopted.

By Senator Dibrell:

Amend by striking out in lines 6 and 7 of section 2, the following: "Suits pending when this act takes effect shall not be governed by its provisions; and further."

Adopted.

By Senator Dibrell:

Amend by adding section 4, to read as follows: "Section 4. The near approach of the close of the Legislature, and the great number of bills to be considered, renders it impracticable to read this bill on three several days, therefore an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended."

Adopted.

Pending action on engrossment, on motion of Senator Linn of Victoria, the Senate adjourned to 10 a. m. to-morrow.

FORTY-SIXTH DAY.

Senate Chamber,
Austin, Tex., Friday, March 12.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Burns.
Bailey.	Colquitt.
Beall.	Darwin.
Bowser.	Dibrell.

Goss.	Ross.
Gough.	Stafford.
Greer.	Stone.
Harrison.	Terrell.
Kerr.	Tillett.
Lewis.	Turney.
Linn of Victoria.	Wayland.
Linn of Wharton.	Woods.
Presler.	Yantis.
Rogers.	Yett.

Absent.

Boren. Neal.

Excused.

Morriss.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Stafford, Senators Neal, Boren and Rogers were excused from attendance upon the Senate for the remainder of the week, on account of committee business.

On motion of Senator Dibrell, Senator Goss was excused for Wednesday, on account of important business.

Senator Dibrell moved that the Journal show Senators Terrell and Tillett excused for non-attendance upon yesterday's session, on account of committee business.

Senator Gough entered a motion to reconsider the vote by which

House bill No. 7, a bill to be entitled "An act to prevent the payment of any deficiency that may arise in any department of State government or institution of this State unless an estimate of the same shall have been made out, sworn to and presented to and approved by the Governor, and filed with the Comptroller at least 30 days before such deficiency occurs,"

Was passed, and had same spread on the Journal.

PETITIONS AND MEMORIALS.

By Senator Burns:

Memorial of San Jacinto Chapter, Daughters of the Republic.

Read and referred to Committee on Finance.

By Senator Darwin:

Petition of the teachers' institute of Hopkins county, asking for the passage of the uniform text-book law.

Read and referred to the Committee on Education.